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SUBJECT: ASSOCIATIONS LAW AMENDMENTS: A COMPARATIVE VIEW

REF: A. AMMAN 2685
[1](#)B. AMMAN 2633
[1](#)C. AMMAN 2359
[1](#)D. AMMAN 2300
[1](#)E. AMMAN 2062
[1](#)F. AMMAN 1465
[1](#)G. AMMAN 2585

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[1](#)1. (SBU) Summary: Civil society's suggested amendments to the Law on Associations are ambitious and far-reaching. Many of them touch on sensitive areas which may produce an adverse government reaction. The amendments would largely take the power of government oversight away from cabinet ministers, entrusting it instead to an independent registrar. The amendments would enshrine the fundamental rights of civil society, and require documented and contestable judicial decisions prior to any punitive measures against NGOs. Funding from any foreign or domestic source would be allowed, as long as the money is reported to the registrar and comes from a "legitimate" source. Penalties for non-compliance with the law would be cut in half by the amendments. We do not expect the government to endorse all of the amendments, but substantial improvements should be in the offing regardless. Below is a point-by-point comparison of the law as endorsed by the King on September 17, and the amendments offered by civil society. Our plan for supporting the amendments will be offered septel. End Summary.

Registration

[1](#)2. (SBU) The law as passed in July created a Registrar of Societies charged with issuing official documentation for civil society organizations. The registrar was also given the task of pairing NGOs with relevant ministries to oversee their affairs. The law then gives the "relevant minister" significant powers to intervene in the internal affairs of civil society. The registrar's office is envisioned as a centralized location for paperwork, but it has no powers over civil society. Those powers are all reserved for the "relevant minister." There is little clarity in the law about whether currently registered societies would have to renew their paperwork to comply with the new system.

[1](#)3. (SBU) Civil society's proposed amendments expand the powers of the registrar significantly, ceding most of the authorities of the "relevant minister" to that office. The registrar remains a cabinet appointee, but would report to a board of directors chaired by the Minister of Social Development. The registrar would have authority to investigate and audit NGOs, prescribe punitive measures where necessary, oversee state funding, and in general oversee the operations of civil society organizations. The amendments to the registration section would also lower the number of necessary founders of an NGO to seven, from the current eleven envisioned in the July law. The amendments

significantly reduce the government's ability to close down NGOs, and require a written justification for the dissolution of any association, contestable before the High Court of Justice. The amendments specifically grandfather in all existing societies in terms of the registration process; they would not have to re-file their paperwork.

Freedom of Operation

¶4. (SBU) The law as passed in July has no section which enshrines the freedom and duties of civil society. While the freedom to form societies is mentioned in Article 16 of Jordan's constitution, that freedom is caveated by section three of that article, which says that "the establishment of societies...and the control of their resources shall be regulated by law."

¶5. (SBU) The amendments proposed by civil society suggest a series of freedoms that would be guaranteed to NGOs in Jordan, including the freedom to meet, freedom of expression, and the "right to participation in public affairs." This section would also affirm the fundamental independence of civil society, asserting that it "must not be made dependent on the approval of any other official quarter."

Funding

¶6. (SBU) The July law required all funding received from foreign sources to be approved by the cabinet, and had no standards for approval or rejection of such funding. NGOs were required to deposit their funds in Jordanian banks.

¶7. (SBU) The amendments permit funding from any foreign or

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domestic source, as long as the funding organization is "legitimate and does not violate public order or morals." Additionally, the funds must be designated for a specific purpose and fiscal year, the designated purpose of the funds must not contradict the stated goals of the organization, and funds must not be derived from "criminal proceeds." Civil society would have to report the receipt of any funding to the registrar within two weeks. If the funding source is deemed to fall under one of the above proscribed categories, the registrar must challenge the association in court in order to block the receipt or use of funding.

Oversight

¶8. (SBU) The law as currently written gives the "relevant minister" broad powers to dissolve organizations, replace their boards of directors, and impose financial penalties.

¶9. (SBU) Civil society's amendments require a judicial decision before any society is dissolved or otherwise sanctioned. Lawsuits demanding the closure of an NGO would only be brought by the registrar.

Managerial Questions

¶10. (SBU) The July law allowed the "relevant minister" to dissolve societies which are moribund or unable to muster a quota in their boards of directors -- a backhanded reference to societies rendered impotent by infighting, which is common in Jordan.

¶11. (SBU) Civil society's amendments charge the registrar with helping to resolve internal conflicts within the boards of NGOs.

Government Support

¶12. (SBU) The July law creates a fund for civil society, under the authority of the Minister for Social Development. The fund would disburse money allocated from the general budget, a special lottery, and private donations.

¶13. (SBU) Civil society's amendments also envision a fund, but one that is controlled by the registrar instead of the Minister of Social Development.

Penalties

¶14. (SBU) The current law prescribes harsh fines for failing to properly report funding sources and imprisonment for defying the cabinet's disapproval of any foreign funding.

¶15. (SBU) Civil society's amendments omit any mention of imprisonment and cut in half most of the maximum fines the government can impose.

Tax Exemptions

¶16. (SBU) The current law has no provisions for any tax breaks or other incentives for associations. Note: Minister of Social Development Hala Lattouf indicated to us that tax breaks for civil society would be included in an omnibus tax law set to be introduced in the October session of parliament and would be far harder to pass as part of this particular law. End Note.

¶17. (SBU) Civil society's amendments would exempt NGOs from any fees or taxes, including sales tax. Donations to civil society would be deducted from the taxable incomes of individual donors.

Comment: Likely Compromises

¶18. (SBU) Several of the above amendments can easily be accepted by the government and parliament as common sense changes. The small changes on the topics of managerial disputes, government support, and penalties are the most likely to be adopted without further debate. Further negotiations are most likely to focus on the questions of registration, oversight, and funding. For the first two, the natural compromise between the government's position and that of civil society may well be a return to the original proposal, which gave authority over civil society to the Minister of Social Development. The last question, that of funding, will be the most difficult issue going forward, and

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the one that security-conscious officials in the government are most likely to portray as a threat to Jordan's stability. Beecroft